

Zoning Text Amendment No.: 14-04
Concerning: Accessory Commercial
Uses - Antennas
Draft No. & Date: 4/8/2014
Introduced: April 22, 2014
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow small cell antennas under certain circumstances; and
- generally amend the provisions for antennas on existing structures

By amending the following sections of the Montgomery County Zoning Ordinance,
Chapter 59 of the Montgomery County Code:

DIVISION 59.3.5 “Commercial Uses”
Section 59.3.5.14. “Accessory Commercial Uses”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59.3.5 is amended as follows:

DIVISION 59.3.5 Commercial Uses

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Section 59.3.5.14 Accessory Commercial Uses

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(C) Antenna on Existing Structure

1. Defined

An Antenna on Existing Structure means one or more antennas attached to an existing support structure, such as a building, a transmission tower, a monopole, a light pole, a water tank, a silo, a barn, or an overhead transmission line support structure. Antenna on Existing Structure includes related equipment.

2. Use Standards

Where an Antenna on Existing Structure is allowed as a limited use, it must satisfy the following standards:

a. Antennas are limited to the following types and dimensions:

- i. omni-directional (whip) antennas with a maximum height of 15 feet and a maximum diameter of 3 inches ;
- ii. directional or panel antennas with a maximum height of 8 feet and a maximum width of 2 feet; [and]
- iii. satellite or microwave dish antennas with a maximum diameter of 8 feet[.] ; and
- iv. small cell antennas with a maximum height of 3 feet and a maximum width of 2 feet.

b. Signs or illumination on the antennas or support structure are prohibited unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.

- c. Associated equipment must be located in an unmanned building, equipment cabinet, or equipment room in an existing building. An equipment building must satisfy the following standards:
- i. It is a maximum of 560 square feet in area; however, a single equipment building in excess of 560 square feet, located at ground level, may be used if:
 - (a) the overall maximum square footage is 1,500 square feet and the maximum height is 12 feet;
 - (b) the building is used for more than one telecommunication provider operating from the same monopole or tower; and
 - (c) the building is reviewed by the Telecommunications Transmission Facility Coordinating Group under Chapter 2 (Section 2-58E).
 - ii. It is a maximum of [12 feet in height if located on the ground or] 14 feet in height [for a rooftop structure], including the support structure for the equipment building.
 - iii. If the equipment building or cabinet is at ground level in a Residential zone, or the nearest abutting property is in a Residential zone, and the equipment building or cabinet is more than 4 feet in height including the support structure, the building or cabinet must be faced with brick or other compatible material on all sides and surrounded by landscaping providing a screen of at least 3 feet in height.
- d. [When] Except for a small cell antenna that satisfies Subsection 3.5.14.C.2.a.vi., when mounted on a rooftop or structure located on privately owned land, the antenna must meet the following standards:

- i. An antenna is prohibited:
 - (a) on any detached house or duplex building type or an accessory structure associated with either building type; and
 - (b) in any scenic setback indicated in a master plan.
- ii. An antenna and a related unmanned equipment building or cabinet may be installed on a rooftop if a building is a minimum height of:
 - (a) 50 feet in any Residential Detached zone; or
 - (b) 30 feet in any Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone.
- iii. An antenna may be mounted on the facade of a building at a minimum height of:
 - (a) 50 feet in a Residential Detached zone; or
 - (b) 30 feet in any Residential Multi-Unit, Commercial/Residential, Employment, and Industrial zone.
- iv. The antenna must not be attached to the support structure for:
 - (a) an antenna that is part of an Amateur Radio Facility licensed by the Federal Communications Commission; or
 - (b) an antenna to receive television imaging in the home.
- e. When located at least 60 feet from a Detached Residential dwelling, a small cell antenna that satisfies Subsection 3.5.14.C.2.a.vi may be installed on any structure, at any height, in any zone.

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81 **Sec. 2. Effective date.** This ordinance becomes effective on October 30,
82 2014.

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84 This is a correct copy of Council action.

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87 Linda M. Lauer, Clerk of the Council